



Paper No. 9

DAVIDSON, DAVIDSON & KAPPEL, LLC
14th Floor
485 Seventh Avenue
New York NY 10018

COPY MAILED

MAR 14 2003

OFFICE OF PETITIONS

In re Application of
Cote, et al.
Application No. 09/726,240
Filed: November 29, 2000
Attorney Docket No. 600.1113

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment filed January 21, 2003.

The petition is **granted**.

This application was held abandoned on September 19, 2002, because it was believed that no timely response was received to the non-final Office action, mailed June 19, 2002, which set an extendable shortened statutory period for reply of three months. Petitioner was advised of the above-cited application's abandonment by a Notice of Abandonment mailed December 20, 2002.

Petitioner maintains that the responsive amendment was timely filed and provided an Office date-stamped postcard showing the amendment as having been received on September 9, 2002. Based on the facts as stated in the instant petition, and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed. The holding of abandonment is, therefore, withdrawn as of the mailing date of this decision.

The amendment and drawings first filed September 9, 2002 and again on January 21, 2003, is noted and made of record.

The application file is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Kenya A. McLaughlin

Petitions Attorney
Office of Petitions